

 **ORIGINAL**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BROADCAST MUSIC, INC., :

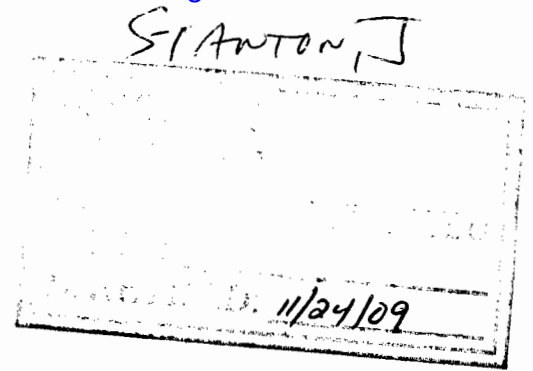
Petitioner, : **PRE-TRIAL**  
: **SCHEDULING ORDER**

-against-

DMX INC., :

Respondent. : *08 Civ. 216 (LLS)*  
: *Related to United States v. Broadcast*  
: *Music, Inc., 64 Civ. 3787 (LLS)*

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**PRE-TRIAL SCHEDULING ORDER**

Petitioner Broadcast Music, Inc. ("BMI"), by and through its undersigned counsel, and Respondent DMX Inc. ("DMX"), by and through its undersigned counsel, (together the "Parties") hereby submit their Proposed Pre-Trial Scheduling Order pursuant to the Parties' November 13, 2009 Conference with the Court.

The Parties, by and through counsel, stipulate and agree to the following:

A. Deadlines for Preparation of Pre-Trial Materials:

1. Findings of Fact
  - a. BMI will supply its proposed findings of fact to DMX consistent with paragraph 3(A)(1) of the Court's Individual Practices on November 24, 2009.
  - b. DMX will respond to BMI consistent with paragraph 3(A)(2) of the Court's Individual Practices on or before December 15, 2009.
  - c. BMI will respond to DMX consistent with paragraph 3(A)(3) of the Court's Individual Practices on December 23, 2009.

2. Trial Exhibits

- a. BMI will supply its list of proposed exhibits to DMX on November 25, 2009.
- b. DMX will provide its proposed exhibits and its objections to BMI's proposed exhibits on or before December 15, 2009.
- c. BMI will provide its objections to DMX's proposed exhibits on or before January 5, 2010.

B. Submission of Pre-Trial Order and Trial Briefs to Court:

1. The Parties will submit a pre-trial order together with trial briefs on January 13, 2010.
2. The Parties will submit expert witness summaries to the Court on January 13, 2010.

C. Date of Pre-Trial Conference:

1. A final pre-trial conference pursuant to Rule 16<sup>2</sup>(~~a~~) of the Federal Rules of Civil Procedure will take place on Friday, January 15, 2010 at 12 ~~[a.m.] [p.m.]~~ <sup>noon</sup> LLS  
LLS

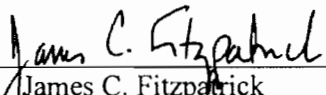
D. Trial Dates:

1. The trial will begin on January 19, 2010, and continue daily until completed.
2. The Parties anticipate that the trial of this matter will take 6-9 trial days. This case will be tried to the Court.

Dated: New York, New York  
November 20, 2009

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Attorneys for Respondent DMX Inc.

So Ordered

✓  
Dated: New York, New York  
November 24 2009

*Louis L. Stanton*

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LOUIS L. STANTON  
U. S. D. J.

*[Signature]*